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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,177	07/20/2000	James W. Shade	CTH / 108	3895

26875 7590 04/22/2003

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EXAMINER

KING, BRADLEY T

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/620,177

Applicant(s)

SHADE ET AL.

Examiner

Bradley T King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/21/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-14,18-21 and 23-41 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-2, 6-14, 18-21, 23-41 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 6-14, 18-21, and 23-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claes et al (US#5326138).

Claes et al disclose a pipe coupling having a generally cylindrical sleeve C, having first and second sides, at least one annular corrugation 44 on the first side of the sleeve being adapted to cooperatively engage the annular corrugation on the first pipe section end, and a bell on the second side being adapted to slidably receive in an axial direction the second pipe section end within the sleeve. Claes et al lack the disclosure of the coupling being made of metal. Material selection is well known in the art, and both plastic and metal are known as suitable equivalents. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device of Claes et al from metal to simplify manufacture and decrease the cost of the device. Note the instant specification discloses both metal and plastic as preferred materials, and *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

Regarding claims 1 and 8, see figure 1.

Regarding claims 25 and 31, Claes et al disclose a radially inwardly directed annular projection 44 (see figure 7).

Regarding claim 12, Claes et al disclose a fluted gasket 30.

Regarding claims 2, 9, 23, 26, and 32, Claes et al lack forming the sleeve from a flat sheet. It is well known in the art to form couplings from sheet material. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the coupling of Claes et al from a flat sheet as an obvious manufacturing process allowing the use of inexpensive sheet material, reducing the costs of the device.

Regarding claims 20 and 41, Claes et al disclose all the limitations of the instant claims with exception to sealant. The use of sealant is well known in the art to provide a fluid tight connection. It would have been obvious to one of ordinary skill in the art to utilize sealant in the connection of Claes et al to further increase the sealing capabilities of the connection.

Regarding claims 14 and 36, Claes et al lack a flat gasket, instead, showing a fluted gasket. Flat gaskets are well known in the art. It would have been obvious to one of ordinary skill in the art to utilize a flat gasket in place of the fluted gasket of Claes et al as an obvious alternate means for providing the seal.

Claims 1, 6-8, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP6-185681.

JP 6-185681 disclose a pipe coupling having a generally cylindrical sleeve (figure 7), having first and second sides, at least one annular corrugation on the first side of the

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sleeve being adapted to cooperatively engage the annular corrugation on the first pipe section end, and a bell on the second side being adapted to slidably receive in an axial direction the second pipe section end within the sleeve. JP 6-185681 lack the disclosure of the coupling being made of metal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device of JP 6-185681 from metal to simplify manufacture and decrease the cost of the device. Note the instant specification discloses both metal and plastic as preferred materials, and *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

Response to Arguments

Applicant's arguments filed 1/21/03 have been fully considered but they are not persuasive.

Regarding Claes et al, the reference teaches a corrugation 50 which is "adapted to cooperatively engage the annular corrugation on the first pipe" via the gasket element 30 as broadly recited by the claims.

Regarding Claes et al and JP 6-185681, the use of metal and plastic are both well known in the art of couplings. Forming the coupling of metal is an obvious variant to the prior art. It is maintained that the rejection is proper.

Regarding figure 7 of JP 6-185681, the right side of the coupling has an annular corrugation which can engage the pipe 41. Also note figure 5 which shows a corrugation T2.

Conclusion


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T King whose telephone number is (703) 308-8346. The examiner can normally be reached on 11:00-7:30 M-F.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

BTK
April 21, 2003


JACK LAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600